

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

Case Number 04-20038-BC  
Honorable David M. Lawson

MATTHEW TYLER,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION *IN LIMINE***

On December 21, 2005, the defendant filed a motion *in limine*. E.D. Mich. LR 7.1(a) requires a movant to seek concurrence in the relief requested before filing a motion with this Court. If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [ ] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendant does not state in his motion that concurrence was sought in the relief requested before filing the motion. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendant has filed his motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the defendant's motion *in limine* [dkt # 172] is **DENIED** without prejudice.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: January 5, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 5, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS